

ORIGINAL

OPEN MEETING ITEM



0000175152

COMMISSIONERS
DOUG LITTLE - Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



ARIZONA CORPORATION COMMISSION

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

2016 DEC -1 P 1:13

DATE: DECEMBER 1, 2016

DOCKET NO.: T-04147A-16-0379

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Brian D. Schneider. The recommendation has been filed in the form of an Order on:

TELECOM NORTH AMERICA, INC.
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

DECEMBER 12, 2016

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:


DECEMBER 19, 2016 AND DECEMBER 20, 2016

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.


JODI A. JERICH
EXECUTIVE DIRECTOR

Arizona Corporation Commission
DOCKETED

DEC 01 2016

DOCKETED BY 

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347
www.azcc.gov

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

On this 1st day of December, 2016, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

Matt W. Dean
12316 Hidden Forest Boulevard
Oklahoma City, OK 73142

Janet Wagner, Interim Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007
Attorneys for Utilities Division
Legaldiv@azcc.gov
JXHatch-Miller@azcc.gov
Consented to Service by Email

By: RTallman
Rebecca Tallman
Assistant to Brian D. Schneider

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 DOUG LITTLE – Chairman
4 BOB STUMP
5 BOB BURNS
6 TOM FORESE
7 ANDY TOBIN

8 IN THE MATTER OF THE APPLICATION OF
9 TELECOM NORTH AMERICA, INC. FOR A
10 CANCELLATION OF ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY.

DOCKET NO. T-04147A-16-0379

DECISION NO. _____

12 **ORDER**

13 Open Meeting
14 December 19 and 20, 2016
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 Having considered the entire record herein and being fully advised in the premises, the Arizona
18 Corporation Commission ("Commission") finds, concludes, and orders that:

19 * * * * *

20 **FINDINGS OF FACT**

21 1. On April 25, 2003, the Commission issued Decision No. 65865, approving Telecom
22 North America, Inc.'s ("Telecom") application for a Certification of Convenience and Necessity
23 ("CC&N") to provide resold interexchange telecommunications services within the State of Arizona.¹

24 2. On October 19, 2016, Telecom filed an application with the Commission requesting to
25 cancel its CC&N to provide resold interexchange telecommunications services within the State of
26 Arizona.

27 3. On October 26, 2016, Telecom requested a waiver of the notice and publication
28 requirements as set forth in A.A.C. R14-2-1107 (A)-(B) ("Request").

4. On November 9, 2016, the Commission's Utilities Division ("Staff") filed a Staff Report

¹ See Docket No. T-04147A-02-0777, In the Matter of the Application of 3U Telecom, Inc. for a Certificate of Convenience and Necessity to Provide Competitive Resold Interexchange Telecommunications Services, Except Local Exchange Services. On February 8, 2016, Decision No. 75446 was issued in Docket No. T-04147A-10-0134, In the Matter of the Application of 3U Telecom, Inc. for Approval to Change their Name to Telecom North America, Inc.

in this matter, recommending approval of Telecom's application.

5. Staff states that the Commission's Consumer Services Section reported there have been no complaints, inquiries, or opinions filed against Telecom between January 1, 2013, and November 1, 2016. Further, Staff states that Telecom filed its 2015 Utilities Annual Report on April 8, 2016, and that the Commission's Corporation Division indicated that Telecom is not in Good Standing for failing to file its 2016 Annual Report. Finally, Staff states the Commission's Compliance Section reported there are no current compliance delinquencies for Telecom.

6. Pursuant to A.A.C. R14-2-1107(A)(2), telecommunications companies are required to provide notice to all affected customers when they intend to discontinue services. Further, A.A.C. R14-2-1107(B) requires that telecommunications companies publish legal notice of their intent to discontinue service.

7. In its October 26, 2016, Request, Telecom states it stopped providing telecommunications services in Arizona on approximately February 1, 2016.

8. Staff recommends the notice and publication requirements contained in A.A.C. R14-2-1107 be waived.

9. Staff further recommends approval of Telecom's application to cancel its CC&N and states that upon cancellation, Telecom will no longer be subject to the requirements set forth in Decision No. 65865.

10. Staff's recommendations to waive the notice and publication requirements of A.A.C. R14-2-1107 and to approve Telecom's application for cancellation of its CC&N to provide resold interexchange telecommunications services within the State of Arizona are reasonable and should be adopted.

CONCLUSIONS OF LAW

1. Telecom is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

2. The Commission has jurisdiction over Telecom and the subject matter of the application.

3. The cancellation of Telecom's CC&N to provide resold interexchange telecommunications services within the State of Arizona is in the public interest.

4. Granting waiver of the notice and publication requirements set forth in A.A.C. R14-2-1107(A)-(B) is reasonable in this matter.

5. Staff's recommendations are reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED Telecom North America, Inc.'s application to cancel its Certificate of Convenience and Necessity to provide resold interexchange telecommunications services within the State of Arizona is hereby approved.

IT IS FURTHER ORDERED Telecom North America, Inc. is hereby granted a waiver of the notice and publication requirements set forth in A.A.C. R14-2-1107 (A)-(B).

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

IT IS FURTHER ORDERED Telecom North America, Inc.'s tariffs on file with the Arizona Corporation Commission are hereby cancelled and Telecom North America, Inc. is no longer subject to the requirements in Decision No. 65865.

IT IS FURTHER ORDERED this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN LITTLE

COMMISSIONER STUMP

COMMISSIONER FORESE

COMMISSIONER TOBIN

COMMISSIONER BURNS

IN WITNESS WHEREOF, I, JODI A. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2016.

JODI A. JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
BS:rt

SERVICE LIST FOR:

TELECOM NORTH AMERICA, INC.

DOCKET NO.:

T-04147A-16-0379

Matt W. Dean
12316 Hidden Forest Boulevard
Oklahoma City, OK 73142

Janet Wagner, Interim Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007
Attorneys for Utilities Division
Legaldiv@azcc.gov
JXHatch-Miller@azcc.gov
Consented to Service by Email